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SUBJECT: FRANCE/RWANDA: KABUYE CASE MAY OFFER A CHANCE TO
IMPROVE RELATIONS

REF: A. KIGALI 796

[B](#). KIGALI 801

[C](#). PARIS 2099

Classified By: Political Counselor Andrew Young, 1.4 (b/d).

[1](#). (C) SUMMARY: Presidential AF Counselor Romain Serman on November 24 said that France and Rwanda were taking steps to use Rwandan official Rose Kabuye's arrest as a basis for cooperation on resolving issues relating to the 1994 Rwandan genocide. Rwanda may allow French investigators to visit Rwanda to conduct interviews with the other eight officials accused of complicity in the genocide, which may allow the French judiciary to dismiss accusations against Kabuye and the other eight. This would provide a basis for Rwanda to re-establish relations. The wild card remained the French judiciary. Both sides wanted to avoid escalating the dispute and to maintain a low profile. Serman said that the EU was considering issuing a statement to take pressure off of Germany after it arrested Kabuye pursuant to French warrants against her. Serman conceded that individual French soldiers may have acted improperly during the events of 1994 but he said that France absolutely did not plan or help execute the genocide, as Rwandans have been claiming. END SUMMARY.

[2](#). (C) Romain Serman, an AF-advisor at the French presidency, on November 24 discussed Rose Kabuye, the senior Rwandan official arrested in Germany on November 9 (reftels) pursuant to a French arrest warrant issued in November 2006 by former anti-terrorism Judge Jean-Louis Bruguiere. Bruguiere's report caused Rwanda to sever relations with France. The report accused Kabuye and eight other Rwandans of complicity in the events of 1994 and also recommended that President Kagame be prosecuted.

[3](#). (C) Serman said that he could not say for sure whether Rwanda had deliberately chosen Kabuye's arrest as a test case to force the French to "put up or shut up" with respect to the allegations in the Bruguiere report, as some observers have speculated. Serman was aware that the Germans had told Kigali that Kabuye would be arrested if she came to Germany (ref C) and that she had done so anyway. Serman noted that, obligatory public rhetoric notwithstanding, Rwanda had shown an attitude of cooperation following Kabuye's arrest, and that this had been borne out by discreet contacts between France and Rwanda since then. Rwanda had done little to challenge, on the basis of diplomatic immunity, her arrest in Germany and had not tried to block her transfer to France.

[4](#). (C) Instead, Serman said, Rwanda had expressed a willingness to cooperate with France by using the Kabuye case as a possible means of derailing Bruguiere's report and its warrants by, in effect, implementing one provision of the report. The arrest warrants carried a request, in the nature of a subpoena, to allow French judicial authorities to interview the accused Rwandans as part of determining whether to go forward with prosecution. Kabuye would have this kind

of interview now that she was in custody in France. Meanwhile, Rwanda seemed closer to agreeing that French authorities could go to Rwanda to interview the other eight. If, as the Rwandans claimed, they and Kabuye were not complicit in the genocide, the warrants against them, along with any notion of prosecution, could be dismissed by the judiciary.

15. (C) Serman said that both sides were moving towards this kind of resolution of the case. Neither side, he said, wanted to escalate. Rwanda, on the basis of its own recent report on the events of 1994, was poised to issue warrants of its own against many French officials. Doing so would be a "declaration of war," figuratively speaking, Serman said. No one wanted that. Serman said that Kagame and President Sarkozy seemed to be on the same page, and that Kagame had developed trust in Sarkozy, believing that Sarkozy was playing it straight in saying that he wanted to improve relations and not hold them hostage to the past. Kagame also understood that Sarkozy personally was free of any involvement with 1994. Kagame seemed to realize as well that the French judiciary was quite independent, a point that Sarkozy had never tried to disguise.

16. (C) Serman said that the wild card remained the French judiciary. There had been a moment of anxiety immediately after Kabuye arrived in France at 3:00 pm November 19. She was taken straight to court, where a judge heard her plea for conditional release, which, Serman said, no one was certain would be granted. The judge finally ruled at 1:00 am on November 20 that she would be released (akin to house arrest) but could not leave France. The judge left open the possibility that she could leave France at some later point, including travel to Rwanda. But this, Serman said, had not yet been granted. He noted that Rwanda was operating through the good offices of Burundi's Embassy in Paris, which was looking after Rwanda's interests. Proper arrangements had been made for Kabuye's indeterminate stay in France.

17. (C) On the issue of the judiciary's "wild card" role, Serman added that those investigating 1994 in conjunction with Bruguiere's report would reach their own conclusions, which might not be the ones Kigali or the GOF favored. Still, Serman said, a cooperative approach to dealing with Bruguiere's accusations now seemed to both sides to be the best way to go, rather than engaging in an endless round of tit-for-tat behavior. Serman said that he hoped the cooperative approach would prevail.

18. (C) Serman said that France, current EU president, was working on an EU statement of some kind regretting that Rwanda had retaliated against Germany for having arrested Kabuye. The statement would also note that Germany was legally bound to arrest Kabuye because of the nature of the French warrants against her and the other accused parties and that Germany should not therefore have been singled out by Rwanda as it had been.

19. (C) On the issue of French involvement in the 1994 genocide, Serman conceded that a few French soldiers -- "as happens, as you know, in any war" -- may have committed improprieties, even violent ones, during those difficult days. However, he vehemently denied that France in any way participated in either planning or implementing the genocide. It was absurd to think that French troops were murdering Rwandans or dropping them out of helicopters, as had been claimed. He said that a study group led by a member of the Conseil d'Etat was examining, on a word-by-word basis, the recent Rwandan report on France's alleged role in the genocide. The group's work was not complete, but Serman said that about one-third of the report echoed the 1998 Quiles Report (the report commissioned by the GOF and compiled by former DefMin Quiles) that was critical of France's management of the Rwanda problem. Other accusations, while half true, were without merit, Serman said. He noted a claim by a Tutsi survivor that the French had refused to take his niece to safety and that she was later killed by Hutus. Serman said that the claim did not include the fact that the

French had repeatedly offered to take the niece to safety but that she refused, as she wanted to stay with her Hutu husband. "The Rwandan report is full of those kinds of half-true accusations that don't really amount to much when you know the whole story." He said that some accusations were outright fiction.

¶10. (C) COMMENT: Serman was relieved that this possible avenue of resolving differences had appeared, and he hoped that both sides would take advantage of the opportunity. Yet he was not completely at ease, given the unpredictable course that the French judiciary might take. He also noted the possibility that the Rwandans might want to start interviewing certain French nationals if Rwanda were to allow the French to interview Rwandans. Finally, Serman said one had to keep in mind the kinds of things such investigations and interviews might produce with respect to what countries and individuals had done during the dark days of 1994. As Serman indicated, there are still a number of hurdles to overcome -- and opportunities for failure -- before Franco-Rwandan relations can return to normalcy. END COMMENT.

STAPLETON